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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,378	02/12/2001	Gerald F. Hein	084555-9013-00	1645
23585	7590	11/07/2002		
MICHAEL BEST & FRIEDRICH LLP 3773 CORPORATE PARKWAY SUITE 360 CENTER VALLEY, PA 18034-8217			EXAMINER CHEN, BRET P	
			ART UNIT 1762	PAPER NUMBER 9
			DATE MAILED: 11/07/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/781,378	HEIN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	B.-Chen	1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 October 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 17-26 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

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## **DETAILED ACTION**

Claims 1-26 are pending in this application.

### ***Election/Restrictions***

Applicant's election without traverse of claims 1-16 in Paper No. 8 is acknowledged.

Claims 17-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Claim Rejections - 35 USC § 102-103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-16 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over O'Brien et al. (6,245,435).** O'Brien discloses a method of depositing a decorative coating onto an article such as shower heads with the expressed purpose of resisting corrosion and abrasion (col.1 lines 5-11). The substrate can be

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zinc and the coating technique used is PVD (col.2 lines 21-24). The coating material is ZrN (lines 56-66). In addition, the reference teaches of precleaning the substrate prior to deposition (col.5 lines 41-46). The deposition pressure can be  $10^{-3}$  to  $10^{-2}$  millibar (lines 41-42). However, the reference remains silent on depositing a film onto a portion of the substrate.

It is noted that the reference clearly teaches of depositing a coating onto a substrate. It is the examiner's position that the reference teaches depositing a film onto a portion of the substrate albeit the entire substrate. Regardless, one skilled in the art would realize that given a successful teaching of depositing a coating onto an entire substrate, the same could be done to a portion of the substrate, depending on the particular application. It would have been obvious to one skilled in the art to deposit a coating onto a portion of the substrate given the teaching above and for the reasons indicated.

The limitations of claims 2, 5, 8-15 have been addressed above.

In claims 3, 4, 6-7, 16, the applicant requires a specific deposition rate and DC voltage. The deposition rate is a result of other parameters including temperature, pressure and excitation energy such as voltage. These parameters are varied depending on the quality of the film desired. A higher deposition rate can be achieved to save expense but at the risk of increasing blemishes in the final product. It is well settled that determination of optimum values of cause effective variables such as these process parameters is within the skill of one practicing in the art.

Quadri et al. (5,800,934) discloses a method of depositing zirconia and zinc oxide on a substrate by PVD at a vacuum of 10-5 mm of mercury at a deposition rate of 1-2 A/sec (col.2 lines 8-13 and 30-40) and has been provided for additional information.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (703) 308-3809. The examiner can normally be reached on 10 hour days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5408 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

bc

November 4, 2002



BRET CHEN  
PRIMARY EXAMINER